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United States District Court
Eastern District of Michigan

Amended Complaint

FILED
APR 24 2024
CLERK'S OFFICE
DETROIT

Jumaane A. Jones
Plaintiff,

Case No. 2:24-cv-10683-LJM-PTM

-VS-

Warden Campbell, Deputy Warden McRoberts, ADW Howard, ADW John Doe, L.T. Roe, Sgt. Thiem, Sgt. McBrybe, FS Director Perry, FSS D. Baker, C/O Wagos, C/O Vallejo, C/O Krueger, C/O Rombach, C/O Mayfield, C/O NeNo, P.C. Alcorta, C/O John Doe, C/O John Doe, Nurse John Doe, and Chaplin JaCoats, Sued in both their Individual and Official capacities, Surety Official Bonds.

Defendants,

Introduction:

This is a civil rights action filed by Jumaane Jones a state prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging violation to the first Amendment to the United States Constitution for the Free Exercise of Religion and Freedom to Peaceably to assemble, and to petition the Government for redress of grievances, And cruel and unusual punishment inflicted in violation to the

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Eighth Amendment to the U.S. Constitution, And for Confinement in Segregation in Violation of the Due Process Clause, And the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, And is in Violation of the (RLUIPA). The plaintiff also alleges the torts of intentional infliction of mental and emotional distress and negligence.

Jurisdiction

1. The Court has Jurisdiction over the plaintiff's claims of violation of federal constitutional rights under 42 U.S.C. §§ 1331 (1) and 1343.
2. The Court has Supplemental Jurisdiction over the plaintiff's State law tort claims under 28 U.S.C. § 1367.

Parties

3. The plaintiff, Demarcus Jones, was incarcerated at Gus Harrison Correctional Facility (ARF) during the events described in this complaint.
4. Defendant's Krueger, Rombach, Vallejo, Mayfield, Wagus, Neno, ~~etc. John Doe, etc. etc. etc.~~ are correctional officers employed at ARF. They are sued in both their individual and official capacities.

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Page 19. Plaintiff told C/O Krueger that he had just let John the white guy walk out who is Jewish without stopping him. And that this is racial discrimination, and was religion discrimination. And that they was just targeting him. He stated call it what you want and wrote plaintiff a misconduct. (John is Jewish and Plaintiff is Buddhist) At 12:25 D. Baker wrote plaintiff another misconduct for ~~been~~ taken his lunch back to his unit. D. Baker stated you will get the picture sooner or later.

- Plaintiff
20. Ith talked to P.C. Alcorta that day and explained to her what was going on. And how plaintiff was getting harassed and targeted in retaliation from a grievance plaintiff had done. P.C. Alcorta told me she will look into it but did nothing about it.
 21. On 12/9/23 Sgt. Thiem reviewed plaintiff on a ticket at 10:28. Plaintiff tried to talk to him about what was going on. With the harassment, targeting and retaliation against plaintiff. For plaintiff filing grievance's on the Kitchen and it's staff and some C/O's. He stated he was not here for that. And told plaintiff he was here to discuss the misconducts plaintiff had done.
 22. At 12:45 C/O Vallejo wrote plaintiff a misconduct hampering plaintiff from practicing my religion freely. On the way to plaintiff's unit he was stopped by Sgt. Thiem who

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5. Defendant's John Doe and John Doe are both correctional officers employed at ARF whose name's is presently unknown to plaintiff. They are sued in their individual and official capacity.
6. Defendant's Campbell, Mc Robert's, Howard and ADW John Doe are incharge of running ARF, and the Supervision and dicipline of all correctional staff at ARF are incharge of reviewing all administrative appeals of disciplinary charges filed by ARF staff on inmates. They are Sued in their individual and official capacity.
7. Defendant Food Service Director Perry Who is incharge of the supervision of food service and is over the religious kitchen and is employed by ARF. He is Soed in both his individual and official Capacity.
8. Defendant FSS D. Baker who is a food service server that is employed by ARF. He is sued in both his individual and official capacity.
9. Defendant's L.T. Roe, Sgt. Thiem, and Sgt. Mc brybe are correctional officers employed at ARF and ~~he~~ is responsible for conducting disciplinary hearing for prisoners accused of breaking prison ~~the~~ rules. They are sued in both individual and official capacity.

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10. Defendant Alcorta is a Prisoner's counselor and is employed at ARF. She is sued in ~~in~~ both her individual and official capacity.
11. Defendant J. Coats is the prison's Chaplain and is employed by ARF. He is sued in both his individual and official capacity.
12. All the defendant's have acted, and continue to act, under color of state law at all time's relevant to this complaint.
13. Note that ADCU Howard has transferred from ARF to MRF and now is Deputy Warden Howard.

Facts

14. On 11/1/23 plaintiff filed two seperate grievance's against the Religious Kitchen. On 11/14/23 plaintiff had a hearing with D. Baker and Director Perry they both ~~never~~ never tried to solve the problem of the grievance. They just wanted plaintiff to sign off on the grievance. Which plaintiff refused to do so.
15. On 11/19/23 plaintiff filed two more grievance's on kitchen staff C/o Krueger and C/o John doe. My grievance was rejected and plaintiff asked for step 2.

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16. On 12/6/23 D. Baker and Director Perry and all staff involved made it their business to teach plaintiff a lesson. D. Baker started writing class II misconducts in retaliation for something I was giving permission to do. By D. Baker and FSS Daykin. Which was I could take my religious meals back to the unit because there was no sitting for the religious guys. And have been doing so for about 4 months until plaintiff wouldn't sign off on grievance.

17. The very next day on 12/7/23 plaintiff asked D. Baker why was he harassing him and writing him class II misconducts for something he and FSS Daykin gave plaintiff permission to do? And he stated this is for all them grievance's plaintiff keep writing. He wrote plaintiff another misconduct and at 17:25 Mayfield wrote me one too.

Racial Discrimination & Religious Discrimination

18. On 12/8/23 at 06:47 a.m. right before I ^{plaintiff} walked into the chow hall I seen inmate John Smith # 225908 leaving the chow hall with his religious meal. And I asked him did they say anything to him or try to stop him from leaving. And he replied no. plaintiff went in to get his religious meal to take back to his unit. As plaintiff was leaving he was stopped by C/O Krueger. at 06:52 a.m.

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told plaintiff to throw his food away. And plaintiff stated he was hungry and had nothing else to eat. Him and 3 C/O's John Doe's took plaintiff food threw it away and cuffed plaintiff up and ~~took him~~ he was taken to the Control Center by Sgt. Thiem and C/O John Doe. This was around 12:50 Sgt. Thiem wrote plaintiff a misconduct also.

23. Plaintiff was left in cuffs and put in a holding cage in the control center for 30 minutes. Until plaintiff spoke with L.T. Roe plaintiff let him know what was going on. He did not care about ^{Plaintiff} my religious beliefs. L.T. Roe told plaintiff if he did not eat in the chow hall with everyone else, the the harassment would continue and get worst. After ^{Plaintiff} me telling him about his religion and why I could not eat at the table with everyone else.

24. On 12/10/23 C/O Vallejo took ^{Plaintiff} my religious meal and threw it away at 12:18 leaving ~~him~~ with nothing to eat. Then had him cuffed up by C/O Rombach and C/O John Doe and took to seg on orders of L.T. Roe.

25. C/O Rombach and C/O John Doe as they were taking Plaintiff to Seg. C/O John Doe called plaintiff all type of N****S and B****S. Plaintiff said this is happening because yall racist. C/O John Doe replied O Jesus. plaintiff ~~to~~ said dont put Jesus in this. He said f***

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Plaintiff told him he was Buddhist and not a christen. He replied f***K you, your religion and f***K Buddha. Plaintiff told him ~~he~~ would be writing them up. He stated who gives a f***K A****r.

26. The Warden not gone help you he on my side. Plaintiff was pushed up against the wall shoes was snatched off and was put in a small cage with the cuffs still on him. C/o Vallejo and C/o Rombach both wrote misconducts for lunch and dinner.

27. On 12/11/23 C/o Vallejo took plaintiff's religious meal and threw it away leaving him with nothing to eat. This was at 06:55 then had him cuffed up by C/o Rombach and C/o (John Doe). And they took plaintiff to seg on the order of L.T. Roe.

28. On the way to seg C/o Rombach stated plaintiff didn't give a f***K about his religion. And that plaintiff was just trying to get some money. Plaintiff told him his religion don't allow him to eat at the same table where the dead animal has been. So that this was against the plaintiff's religion. He replied you don't care about your religion. Your just trying to get a law suit. Then pushed plaintiff against the wall snatched his shoes off and put plaintiff in the small cage.

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- Page 29. At 12:25 around lunch the same thing occurred but this time C/o Rombach threw away plaintiff's food. And stated cant you see N****r. You not gone; win at this game your playing. And him and ~~the~~ C/o (John Doe) took me to Seg. Plaintiff asked to speak with mental health and he was placed in the cage. First shift never got mental health for him.
30. Before Shift change Chaplin J. Coats came and talked to Plaintiff me. ~~Why~~ ~~he~~ was in the cooldown cage in seg. Plaintiff explained to him what was going on. And all problems he been having with staff. And how they ~~was~~ harassing him. He told plaintiff he would look into it and get back to him.
31. Second Shift finally got a (John Doe) Woman from mental health. So that plaintiff ~~that~~ could speak with her. He told her everything that had happen to him. Plaintiff explained how he feared for his Satty. And how they been harassing him taking his religious meals and throwing them away leaving plaintiff with nothing to eat at all. Plaintiff said he was going on a hunger strick. Because eating at the table with the dead animal was against his religious ~~beliefs~~ beliefs. She stated that it was nothing she could do about it and then she left.

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- Page 32. On 12/14/23 Chaplin J. Coats came to plaintiff's cell in Unit one cell #121 at between 01:30 - 02:00 pm and asked plaintiff why was he on a hunger strike not eating and he told him why. And J. Coats stated that plaintiff just became Buddhist and that he knew nothing about his religion. ~~And~~ And told him that he could eat meat and still be Buddhist. Trying to convince him his religious beliefs wasn't true. Plaintiff explained that he's been vegan for 6 year's. And J. Coats left his cell.
33. On 12/15/23 P.C. Alcorta came to plaintiff's cell #121. And asked why plaintiff wasn't eating. He explained to her why and she said Jones just eat or we will find a way to make you eat. Plaintiff stated he was not going to be eating. She replied oh you want to play them games? Well let's play and walked off.
34. On 12/16/23 ^{Plaintiff} I was called to the control center to meet with ADW. Howard to do a wellness check on him. After she did her check she left. And LT. Roe told plaintiff hold on and bring out a stack of misconduct tickets. Plaintiff told him this is not how the Department policy and procedure works. And if plaintiff knew this was his hearing he would have bring his evidence and witnesses. He replied owe well and read the first ticket. Plaintiff told him that this ~~all~~ comes from retaliation from a grievance he submitted.

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35. LT. Roe stated we already spoke about this. And that plaintiff ~~was~~ guilty on all misconducts. Without even reading any of them but the first one. Violating ^{plaintiff} my Due Process right. Then he put him in the cage called Two C's (John Doe). And had plaintiff placed in seg.

36. On 12/17/23 & 12/18/23 The ADW (John Doe), ADW Howard, and Deputy Warden McRoberts came to see ~~plaintiff~~ while being held in seg for no reason at all. And still nothing was done or resolved. They told plaintiff that he had to see SCC and that he was going to a level 4. ^{Plaintiff} I never seen SCC but was released from seg at 04:00 on 12/18/23.

37. On 12/19/23 at 10:25 ^{Plaintiff} I was called to base to meet with Cpt. Morrill. Plaintiff showed him a paper pursuant to: PD 05.03.150 Religious Beliefs and practice. He read it and stated this still don't change nothing for you. Plaintiff replied ok and went back to his cell.

38. Next even 5 minutes went by and plaintiff was called to the control center to meet with the ADW (John Doe) and ADW. Howard. Plaintiff tried to show them the same paper. But they stated they didn't care about no paper.

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39. The Defendants asked was plaintiff going to eat. And plaintiff asked will there be a separate table for him? Or was he allowed to take the food back? They replied no. So plaintiff stated it's against his religion to eat at the table with dead animals. This is hampering him from fully practicing his religious beliefs. Nothing was resolved plaintiff was sent back to his unit.

40. At 02:30 Warden Campbell and Deputy Warden McRoberts called plaintiff to base. And plaintiff tried to show them the same papers. And they both refused to take a look. And told ^{plaintiff} me nothing is going to change for you and that I should just eat. Nothing was never resolved.

41. On 12/27/23 at 01:25 - 01:30 pm P.C. Alcorta was in her office so plaintiff went to her office. And asked for a notary. And she replied another notary? Ok well how about you eat and I will get you a notary. Plaintiff stated that's not how that works. If he ask for a notary for his legal work you are suppose to call a provide that for him. And if you cant help sent him to someone who can. P.C. Alcorta replied like I said eat and I will get a notary for you.

42. Plaintiff tried to get the other P.C. and the C/O's in the unit to call and get him a notary. But they all was in agreement with her. So plaintiff asked to speak

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with Shift command. They laughed and said you don't just ask for shift command and get them. So plaintiff walked to his cell and put on his coat and hat and went out side to find a Sgt. That's when they handcuffed him and put him in Seg.

43. From 12/28/23 to 12/30/23 Plaintiff asked for help from medical and told the C/O's in Seg that he needed to be sent to the hospital. They told him to eat and he was left in the cell to suffer. Until on 12/31/23 when plaintiff refused medical. And Warden Campbell had the C/O's come in plaintiff's cell. With shields and no camera. Hold plaintiff down rough plaintiff up and put cuffs on him.

44. Put him in a wheelchair and take his weight and to take his blood sugar. Plaintiff's blood sugar was so low that they had to call the Ambulance. Plaintiff was took to the hospital for a few hours. And then he was brought back to the prison. They took plaintiff's blood sugar again. And it had drop back down low again. So they sent plaintiff back to the ~~hospital~~ hospital by the Ambulance and Dawyane Waters Hospital came to get him from there. Plaintiff stayed at Dawyane Waters Hospital until 1/5/23.

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page 45. On 1/13/24 at 09:20 Sgt. McBrybe, C/o Neno and C/o (John Doe) came in ^{Plaintiff} my cell in seg with Shields without a camera and roughed ~~him~~ up. With nurse (John Doe). C/o (John Doe) put a tazer to plaintiff's head. And they forced ~~him~~ to do medical after Plaintiff refused. Micheal Boling #983279 and Cameron Powell #498770 both are witnesses to this.

Claims for Relief

46. ~~Plaintiff~~ Plaintiff is requesting corrective action be implemented and Demand Enforcement and Compliance with Department Policy Directives, PD 01.04.110 (A), PD 02.03.107(B), (D) (7) PD 03.03.130 (F) (G), (W), (K) (4), PD 05.03.150, Department Work Rules, Rule #1, #2, #3, #5, #13, #14 and #47.
47. Plaintiff have been Subjected to pattern or practice of conduct by all defendants named in this complaint, (a) Retaliation, (b) Campaign Harassment, (c) Inhumane Treatment, (d) mental, Personal and physical Abuse, (e) Failing to maintain Good Order and Discipline, (f) Racial and Ethnic Intimidation, (g) Religious Discrimination, Racial Indifference and Delibrate Indifference, (h) Abuse of Authority, ~~and~~ (i) Various Procedural Due Process violations, And Falsified class II misconducts written in Retaliation for filing grievances.

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page 48. In violation of Plaintiff 8th Amendment cruel and unusual punishment, Plaintiff due process of the law in violation to the 5th & 14th Amendment to the United States Constitution.

49. Also in violation of Plaintiff 1st Amendment to the United States Constitution for the Free Exercise of Religion and Freedom to peaceably assemble, and to petition the government for redress of grievances.

50. The Defendants Actions also Constitutes the Torts of intention infliction of mental and emotional distress and negligence under the law of Michigan.

42 USCS § 2000 CC

(a) Substantial burdens States: (1) General rule No government shall impose or implement a land use regulation in a manner that impose a substantial burden on religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution —

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest. Etc.

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Page PD 05.03.116: States, No retaliation may be taken against a prisoner who has filed a lawsuit or is pursuing litigation.

PD 03.02.130: A grievant shall not be penalized in any way for filing a grievance... Staff shall avoid any action that gives the appearance of reprisal for using the grievance process.

PD 01.04.110 (B): Employees shall be advised of the necessity of complying with policy and laws pertaining to the Department because non-compliance may leave the Department liable and employees vulnerable to prosecution and civil suit, as well as disciplinary action. Failure to follow policy may also result in an employee not being represented by the Department of Attorney General or not being indemnified by the Department if a monetary judgment is obtained against the employee as set forth in PD 02.01.102 "Litigation - Department and Employee Responsibilities.

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Relief Requested

Wherefore, Plaintiff requests that the court grant the following relief:

A. Issue a declaratory judgment stating that:

1. That all Defendants involved violated the Plaintiff's rights under the 1st Amendment to the United States Constitution for the Free Exercise of Religion and for Freedom to peaceably assemble, and petition the Government for redress of grievances.
2. That all Defendants involved violated the Plaintiff's rights under the 8th Amendment to the United States Constitution for failure to take action to curb the mental & physical abuse of prisoner.
3. Defendant LT. Roe actions in conducting the plaintiff's disciplinary hearing. Violated the plaintiff's rights under the Due Process Clause of the 5th & 14th Amendment to the United States Constitution.

B. Issue an injunction ordering Defendant Campbell to:

1. Release the plaintiff from punitive sanctions with restoration of all rights and privileges.
2. Expunge the disciplinary convictions described in this complaint from the plaintiff's institutional record.

C. Award Compensator damages in the following amounts:

1. \$300,000 Jointly and severally against all defendants involved for the physical and mental, and emotional.

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Abuse sustained as a result of plaintiff's Harassment and Retaliation.

2. \$80,000 Jointly and severally against all defendants involved for the punishment, including deprivation of liberty and amenity, and emotional injury resulting from their denial of due process in connection with the plaintiff's disciplinary proceedings.
3. \$500,000 Jointly and severally against all defendants involved in infringing upon plaintiff's rights to freely practice his religion.

D. Award punitive damages in the following amount:

1. \$25,000 against each defendant involved in the actions that took place at ARF.

F. Grant such other relief as it may appear that plaintiff is entitled. For Retaliation, Discrimination for religion and racial, Inhumane Treatment, Targeting, and Racial and Ethnic Intimidation,

Date: 4/15/24

Submitted By: Jamaire Jones
Jamaire Jones #527282

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U.S. MARSHAL

